

ALLEGED SHIPMENT: On or about December 22, 1944, from the State of California into the State of Illinois.

LABEL, IN PART: (Can) "Calistar Sardine Fillets Boneless Contents 8 Oz. Avoir."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Contents 8 Oz. Avoir" was false and misleading since the cans contained less than 8 ounces; and, Section 403 (e) (2), the label failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: January 7, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$25.

9308. Adulteration of frozen shrimp. U. S. v. 300 Cartons and 70 Lugs of Frozen Shrimp. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 18794. Sample Nos. 44442-H, 44443-H.)

LABEL FILED: January 7, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about December 5, 1945, by Deborah Sabel, from Nogales, Ariz.

PRODUCT: 300 5-pound cartons and 70 25-pound lugs of frozen shrimp at Los Angeles, Calif.

LABEL, IN PART: (Cartons) "Gulf Shrimp Produced by Standard Fisheries Co. San Pedro, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 14, 1946. G. and S. Seafood Co., Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the fit portion be segregated from the unfit portion under the supervision of the Food and Drug Administration.

9309. Adulteration of canned squid. U. S. v. 164 Cartons of Canned Squid. Default decree of forfeiture and destruction. (F. D. C. No. 18979. Sample No. 34770-H.)

LABEL FILED: January 16, 1946, District of Puerto Rico.

ALLEGED SHIPMENT: On or about August 23, 1945, by the Connell Brothers Co., Ltd., of San Francisco, Calif., from Galveston, Tex.

PRODUCT: 164 cartons, each containing 48 15-ounce cans, of squid at San Juan, P. R.

LABEL, IN PART: "Best Ever Brand California Squid * * * Packed by Hovden Food Products Corporation, Monterey California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: February 21, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

9310. Adulteration of canned tuna fish. U. S. v. Franco-Italian Packing Co. Plea of nolo contendere. Fine, \$500 on count 1; imposition of sentence suspended for 2 years on the remaining count. (F. D. C. No. 16595. Sample Nos. 59951-F, 59952-F.)

INFORMATION FILED: January 2, 1946, Southern District of California, against the Franco-Italian Packing Co., a corporation, Terminal Island, Calif.

ALLEGED SHIPMENT: On or about September 11, 1944, from the State of California into the State of Illinois.

LABEL, IN PART: "Franco Brand White Meat Tuna Flakes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 18, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$500 on count 1 and suspended imposition of sentence on the remaining count for a period of 2 years.

9311. Adulteration of canned and grated tuna. U. S. v. Sun Harbor Packing Co. Plea of nolo contendere. Fine, \$1,500. (F. D. C. No. 16603. Sample Nos. 74341-F, 87022-F.)

INFORMATION FILED: January 30, 1946, Southern District of California, against the Sun Harbor Packing Co., a corporation, San Diego, Calif.

ALLEGED SHIPMENT: On or about September 25 and 26, 1944, from San Diego, Calif., to Los Angeles, Calif., for introduction into interstate commerce.

LABEL, IN PART: "Premier Tuna Fish White Meat Francis H. Leggett & Co. Distributors New York," or "Halfhill's Brand Grated White Meat Tuna * * * Distributed By The Halfhill Company Los Angeles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 20, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$750 on each count.

9312. Adulteration of frozen whiting. U. S. v. 637 Cases of Frozen Whiting. Consent decree of condemnation and destruction. (F. D. C. No. 18726. Sample Nos. 18088-H, 18090-H.)

LIBEL FILED: January 7, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 24, 1945, by Milton Lippman, from Boston, Mass.

PRODUCT: 637 15-pound boxes of frozen whiting at Chicago, Ill.

LABEL, IN PART: "Seagate Brand Fancy Frosted Fillets Seagate Fisheries, Inc. Boston, Mass. * * * Butterfly Whiting."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 7, 1946. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES*

CANNED FRUIT

9313. Misbranding of canned apricots. U. S. v. Drew Canning Co. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 16591. Sample Nos. 73421-F, 73461-F, 73462-F, 73469-F, 73470-F.)

INFORMATION FILED: January 23, 1946, Northern District of California, against the Drew Canning Co., a partnership, Campbell, Calif.

ALLEGED SHIPMENT: On or about August 4 and September 1 and 6, 1944, from the State of California into the States of Wisconsin, Kansas, and Arkansas.

LABEL, IN PART: "Jack Sprat [or "Harvest Home Brand"] Unpeeled Halves Apricots In Heavy Syrup," or "Drew Unpeeled Halves [or "Whole Unpeeled"] Apricots In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "In Heavy Syrup" was false and misleading in that it represented and suggested that the product was packed in heavy sirup, whereas it was packed in light sirup; and, Section 403 (g) (2), the product failed to conform to the definition and standard of identity for canned apricots since the label did not bear the name of the optional liquid packing medium present in the product, i. e., light sirup, but bore the statement "In Heavy Syrup."

DISPOSITION: February 8, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100 on each count, a total fine of \$300.

9314. Misbranding of canned apricots. U. S. v. Frank Raiter Canning Co. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 17812. Sample Nos. 83888-F, 22631-H.)

INFORMATION FILED: On or about February 27, 1946, Northern District of California, against the Frank Raiter Canning Co, a corporation, Salinas, Calif.

ALLEGED SHIPMENT: On or about August 18 and October 17, 1944, from the State of California into the States of Missouri and Washington.

LABEL, IN PART: (One shipment) "Red Sail Whole Peeled Apricots In Light Syrup." The remaining shipment was unlabeled and was invoiced, "Standard Halves Unpeeled Apricots In Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), (portion) the label of the article failed to bear the name of the food and the name of the optional

*See also Nos. 9202, 9203.